

**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: September 29, 2020

CALENDAR: 1:00 P.M. CHAPTER 13

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

September 29, 2020 at 1:00 p.m.

1. [20-90104](#)-B-13 PAUL DYKES MOTION TO DISMISS CASE
[RDG-2](#) David Foyil 9-15-20 [[86](#)]
WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a supplemental ex parte motion to dismiss the motion to dismiss, the motion at docket 86 is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

2. [20-90532](#)-B-13 RICHARD COLE
Muoi Chea

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-8-20 [[19](#)]

Final Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$79.00 installment when due on September 2, 2020. While the delinquent installment was paid on September 10, 2020, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will issue an order.

3. [20-90612](#)-B-13 ENRIQUE CAMARENA
[ADR-1](#) Pro Se

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY AND/OR
MOTION FOR ADEQUATE PROTECTION
9-7-20 [[9](#)]

ARTEM REV APHA LLC VS.

Final Ruling

The motion for relief from stay was continued from September 22, 2020, to allow any opposition or response to be timely filed and served by September 25, 2020, at 5:00 p.m. No opposition or response was filed. Therefore, the court's conditional ruling granting the motion at dkt. 20 is the court's final decision. The continued hearing on September 29, 2020, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

4. [19-91014](#)-B-13 SANDRA RODRIGUEZ
[BSH](#)-5 Brian S. Haddix

CONTINUED MOTION TO CONFIRM
PLAN
8-2-20 [[86](#)]

Final Ruling

This matter was continued from September 22, 2020, to allow Debtor Sandra Avila Rodriguez ("Debtor") and Wells Fargo Bank USA Holdings, Inc. ("Creditor") to reach an agreement regarding Creditor's secured claim as previously represented to the court.

The parties filed a stipulation on September 25, 2020, partially resolving Creditor's limited objection. However, paragraph 6 of the stipulation states that feasibility and interest rate issues remain unresolved. Therefore, Creditor's limited objection at Docket 96 will be sustained, the Debtor's Fourth Amended Chapter 13 Plan will not be confirmed, and the Debtor's motion at Docket 86 will be denied without prejudice. Modification of Creditor's contractual interest rate without Creditor's express consent violates 11 U.S.C. § 1322(b)(2). And to the extent that the party offering contribution income is unemployed, the fourth amended plan is not feasible as required by 11 U.S.C. § 1325(a)(6).

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.